

MINUTES OF THE LAFAYETTE COMMON COUNCIL
April 7, 2008
REGULAR MEETING

The Common Council of the City of Lafayette, Indiana met in regular session on Monday April 7, 2008 at 7:00 p.m. in the City Hall Council Chambers, 20 North 6th Street, Lafayette, Indiana.

President Campbell called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was given to the flag of our Country.

The following members were:

Present: Heide, Klinker, Meyer, Cornstuble, Brown, Novak, Weast-Williamson, Downing and Campbell.

The City Clerk stated that there was a quorum present.

City Clerk Cindy Murray and City Attorney Ed Chosnek were present.

Councilman Meyer moved to approve the minutes from the March 3, 2008 regular meeting. Councilman Brown seconded. The motion passed by unanimous voice vote.

The Clerk stated that there were no Claims, Petitions or Communications.

The Clerk stated the following reports are available in the City Clerk's Office:

Fleet Maintenance/Street Department Monthly-January, February 2008

Clerks Office Monthly-January, February 2008

Water Works Monthly – February 2008

Water Pollution Control Monthly – February 2008

Fire Department Annual-2007

Parks Department Annual-2007

Police Department Monthly-February 2008

Ordinances for Second Reading:

The Clerk read Ordinance 2006-27 (An Ordinance Vacating a Certain Right-of-Way and Designating the Time when the same shall Take Effect, Mennen Builders, Inc. Petitioner) by title only on second and final reading. Councilman Downing moved to table Ordinance 2006-27 until the May 5, 2008 meeting. Councilwoman Weast-Williamson seconded. The motion passed by unanimous voice vote.

The Clerk read Ordinance 2008-09 (An Ordinance to Amend Amended Ordinance 2007-25 An Ordinance Fixing the Salaries of the Appointed Officers and Employees of the City of Lafayette, Indiana, for the year 2008, Excluding the Sworn Protective Occupation and Law Enforcement members of the Police and Fire Departments) by title only on second and final reading. Councilman Brown moved for passage, Councilwoman Weast-Williamson seconded. Mayor Roswarski spoke on behalf of the proposal. Ordinance 2008-09 passed 8-0 on a roll call vote on second and final reading.

The Clerk read Ordinance 2008-10 (An Ordinance concerning the construction of additions and improvements to the sewage works of the City of Lafayette, the issuance of revenue bonds to provide the cost thereof, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the owners of said revenue bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith) by title only on

second and final reading. Councilman Meyer moved for passage, Councilman Klinker seconded. Jenny Bonner, City Engineer spoke regarding the proposal. Councilman Meyer moved to amend Ordinance 2008-10 in its entirety with a new copy that was filed March 31, 2008 with the following scrivener errors. All references to Four Million Seven Hundred Thousand Dollars (\$4,700,000.00) should be replaced with Five Million Dollar \$5,000,000.00) and change the spelling of Stirling Heights to Sterling Heights which is located in Exhibit A. Councilman Brown seconded. The amendment passed 8-0 on a roll call vote. Amended Ordinance 2008-10 passed 8-0 on a roll call vote on second and final reading.

Ordinances for First Reading:

The Clerk read Ordinance 2008-04 (An Ordinance to add Chapter 9.04 Entitled Smoking in Public Places and Places of Employment) by title only on first reading. Councilman Downing moved to remove Ordinance 2008-04 from the table for consideration. Councilwoman Weast-Williamson seconded. The motion passed 8-0 on a roll call vote. Councilman Klinker moved for passage of Ordinance 2008-04 Councilman Downing seconded. Councilman Meyer moved to amend Ordinance 2008-04 with the following amendments.

Add to: Section 9.04.050, Where Smoking Not Regulated:

(*will be referred to as Amendment A*)

(8) Any business that, during all hours of operation:

- a. allow no customer to enter any area of the business therein who is under the age of twenty-one (21); and
- b. employs no person in any area of the business therein who is under the age of twenty-one (21).

(*will be referred to as Amendment B*)

(9) Family-owned and operated business in which all employees are related to the owner, and offices of self-employed persons in which all employees are related to the self-employed person, but only if the enclosed areas these businesses and offices occupy are not open to the public.

Councilman Brown seconded. Councilman Meyer requested both amendments be presented together but voted on separately. The amendments will be referred to as amendment A and amendment B. Councilman Meyer stated he believes these amendments are fair and reasonable and offer balance needed to make this a more comprehensive smoking ban written for the needs of the City of Lafayette and in response to public input at previously held smoking forums. Councilman Klinker questioned if the over twenty-one (21) restriction was part of Amendment B Councilman Meyer stated it was not. President Campbell called for public comment and requested all speakers be limited to three (3) minutes.

The following citizens spoke regarding both amendments. Pearl Speakman, 923 S. 22nd St. Mike Crose, 2429 Crestview Ct, Gabrielle Mayer, Bistro 501, Ben Wissel, 935 S. 4th St. #14, Frank Fawbush, 2310 N 18th St., Linda McHood, 4429 Fiddlesticks Dr., Mary Cook, 1835 Windy Hill Dr. Geneva Werner, 3215 Longlois, Dave Galeniar, 80 Bryn Mawr Ct., Ron Hession, 924 Holloway, Kyle Berryman, 3311 Runyon Dr. Tim Filler, Neal Zimmerman, Purdue University, Frank Rosenthal, Purdue University, 2876 Ashland St, Dr. Anna Welch, Family Practitioner, Lafayette, Steve Richards, Nora Bogan, Ada Munoz, 2213 Southhaven Blvd., Homer Halsema, 3813 N. Connie Dr., Ian Gurber, Lafayette, Dan Donahue, Lafayette, Sam Denton, American Heart Association, Melissa Lewis, Indiana Academy of Family Physicians Member, Brandon Miller, 2461 Willow Brook Circle, Walt Foster, The Other Pub, Tom Lester, 2718 Vinton St., Perry Barbee, 1714 Union St., and Tristin Emery, Amherst Dr.

Councilman Brown thanked Councilman Meyer for his efforts and spoke in support of the amendments.

Amendment A. Failed 3-5 on a roll call vote as follows

Ayes: Klinker, Meyer, Brown

Nays: Heide, Cornstuble, Novak, Weast-Williamson, Downing

Amendment B. Failed 3-5 on a roll call vote as follows

Ayes: Klinker, Meyer, Brown
Nays: Heide, Cornstuble, Novak, Weast-Williamson, Downing.

Councilman Klinker moved to amend Ordinance 2008-04 as follows.

Section 9.04.030 shall be amended by deletion of the last 10 words *except performers when smoking is part of a theatrical production* on section (a) (9) and shall read as follows after amendment:

(a) (9) Any facility which is primarily used for exhibiting any motion pictures, stage, drama, lecture, musical recital or other similar performance, which will be referred to as amendment C, Councilman Cornstuble seconded.

The following citizens spoke regarding the amendment: Mike Crose, Pearl Speakman, Sam Denton and Tim Filler, Indianapolis.

Amendment C passed 7-1 on a roll call vote as follows.

Ayes: Heide, Klinker, Meyer, Cornstuble, Novak, Weast-Williamson, and Downing
Nays: Brown

Council discussion on Ordinance 2008-04 amended, Councilman Meyer reiterated to the public, he is in favor of a ban due to of health issues, however a second reading must follow in May before the ordinance is final and there will be more discussion and amendments presented at the May meeting.

Councilman Brown spoke in opposition of the Ordinance stating it was a bad idea and he does not feel government has the right to interfere in how business owners run their business and this ban will result in someone losing their business.

The following citizens spoke regarding Amended Ordinance 2008-04: Tom Lester, Pearl Speakman, Donn Brown, Mary Cook, Ben Wissel, Perry, Barbee, Terry Masterson, Wick Dixon, Sam Denton, Heather Stout, Tim Filler, Brandon Miller, Marge Helgison, Ron Hession and Nora Bogan

Amended Ordinance 2008-04 passed 7-1 on a roll call vote as follows on first reading.

Ayes: Heide, Klinker, Meyer, Cornstuble, Novak, Weast-Williamson and Downing.
Nays: Brown

The following citizens spoke in opposition to excluding private clubs from the smoking ban: Linda McHood, Donn Brown, Marge Helgison, Mary Cook, Walt Foster, Perry Barbee and Nora Bogan.

The Clerk read Ordinance 2008-11 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana, (UZO # 59-Outside Storage in an Industrial Zone) by title only on first and final reading. Councilman Meyer moved for passage, Councilman Downing seconded. Sallie Fahey, Director of Area Plan Commission stated this categorized amendment as taking care of an inconsistency problem stating in one section of Industrial zoning it prohibits outdoor activity and in another section it allows outdoor activity within an Industrial Zone, this amendment corrects the inconsistencies. Ordinance 2008-11 passed 8-0 on a roll call vote on first and final reading.

The Clerk read Ordinance 2008-12 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana, (UZO # 58-Wind Energy Conversion-Revision to UZO# 55) by title only on first and final reading. Councilman Cornstuble moved for passage, Councilman Downing seconded. Mrs. Fahey stated this amendment addresses two additional issues with Wind Energy Zoning, one section the transmission lines and the other, the size of Wind Energy Systems on a private residence. Mrs. Fahey stated it was determined transmission lines were sufficiently regulated on the state and federal levels. The only additional change being transmission lines on the Wind Farms, must be underground. This change also prohibits Small Wind Energy Systems in residential areas, but allows for 140 foot towers in commercial, industrial and agricultural zones. Ordinance 2008-12 passed 8-0 on a roll call vote on first and final reading.

There were no Resolutions

There were no Reports of Standing Committees.

Reports of Special Committees-President Campbell requested Councilwoman Novak and Councilman Heide to send him their schedule so a meeting may be set regarding possible amendments to Ordinance 2008-04.

Report by the Mayor: None

Miscellaneous or New Business: None

Reports of Councilman: None

Public Comment:

Valinda, McBride, Marketing Director, IVY Tech Community College, invited everyone to attend the 2nd annual Latino Festival April 19 2008

With no further business to come before the Council, Councilman Meyer moved to adjourn, Councilman Heide seconded. Meeting was adjourned at 9:45 pm.

Minutes prepared by Cindy Murray, City Clerk

Complete audio of meeting available in the City Clerks office or at www.lafayette.in.gov